

## REMARKS

Claims 1-24 are currently pending. In the Office Action of September 24, 2007, claims 1-7, 14 and 16-24 stand rejected under 35 USC 102(e) as anticipated by US Patent No. 7,117,009 to Wong et al. (the "'009 patent"). Claim 20 has also been rejected under 35 USC 112, second paragraph as indefinite. Claims 8-13 and 15 are objected to as dependent on a rejected base claim. The current status of the pending claims is as follows: claims 1, 9-13, 15, 17, 20 and 22 have been amended; and new claim 25 has been added. In view of the amendments and remarks herein, Applicants respectfully submit that all pending claims are allowable.

Independent claims 1 and 22 have been amended to incorporate some of the limitations of dependent claim 17 to clarify claims 1 and 22.. Claims 1 and 22 as amended are not anticipated by the '009 patent for the following reasons. Claim 1 is directed, in part, to a portable terminal having a first casing and a second casing and a coupling mechanism coupling the first casing to the second casing and inclining the first casing relative to the second casing during at least an initial stage of rotating the first casing relative to the second casing and wherein the coupling mechanism enables the first and second casings to rotate around a first reference axis extending in a direction of thickness of the portable terminal. Claim 22 is directed, in part, to an opening and closing method for a portable terminal having two casings wherein, similarly to claim 1, the two casings rotate around a first reference axis extending in the direction of thickness of the portable terminal. This configuration of the device and related method are disclosed in Applicants specification, for example, as follows:

[0052] The following describes the opened or closed configuration of the portable terminal 10 shown in FIG. 1. First, in the configuration where the first casing 1 is closed relative to the second casing 2 as shown in FIG. 1(A), the protrusion 14b of the second base member is engaged with the depression 11c provided

on the side of the starting point S of the first base member 11 as shown in FIG. 2(c) and FIG. 3, by which the first casing 1 does not rotate around the coupling unit 3 relative to the second casing 2.

[0053] As stated above, if the portable terminal 10 is a portable phone and there is an incoming call in the configuration where the first casing 1 is superposed on the second casing 2, receiving information such as a name or a telephone number of a calling party is displayed on the display unit 6. Then, the microphone 4 and the speaker 7 far from the microphone 4 (close to the coupling unit 3) are activated, and the speaker 8 close to the microphone 4 (at the end on the opposite side to the coupling unit 3) is deactivated. Thereafter, a user can start a phone call by depressing an off-hook operation unit (not shown) and bringing the speaker 7 close to the user's ear. In this configuration, the portable terminal 10 is put in a folded configuration and therefore it does not have an enough length to bring the microphone 4 close to the users' mouth. By increasing the sensitivity of the microphone 4, however, the transmitted speech sound can be collected.

[0054] Subsequently, to open the first casing 1 from the position in which it is closed relative to the second casing 2, an end 1d on the opposite side to the coupling unit 3 of the first casing 1 is raised from the opposed face 2a having the microphone 4 of the second casing 2 as shown in FIGS. 5(A), 6(A), and 7(A) to tilt the first casing 1 relative to the opposed face 2a having the microphone 4 of the second casing 2. In this configuration, the protrusion 14b of the second base member gets out of the depression 11c existing on the side of the starting point S of the first base member 11.

Published Application US 2004/0202316A1 at par.[0052]-[0054].

Claim 17 requires the coupling mechanism to couple the first casing to the second casing so as to be pivotable around a second reference axis perpendicular to the first reference axis, wherein there is provided a depression on an opposed face of one of the two casings opposed to each other in the closed configuration where the two casings are superposed on each other, and there is provided a protrusion inserted to the depression on the opposed face of the other of the two casings. Claim 7 is similar. As described above, the depression 11c and protrusion 14b are engaged as shown in Figures 2c and 3 of Applicants specification. Some

advantages of having this depression/protrusion configuration or using this opening method are explained as follows:

In this configuration, the protrusion 14b of the second base member is guided to the end point E while sliding on the guideway 11b, so that the first casing 1 is rotated while inclined relative to the opposed face 2a having the microphone 4 of the second casing 2. Therefore, the operation unit 5 provided on the opposed face 2a of the second casing 2 does not slide on the first casing 1. Thus, it is possible to prevent keytop markings on the top face of the operation unit 5 from being rubbed or scratched by the first casing 1, and to prevent the opposed face 1a of the first casing 1 from accumulating dirt.

[0056] In addition, during the rotation of the first casing 1 relative to the second casing 2, the first casing 1 is guided while supported by the first base member 11, and therefore it is possible to prevent wobbling of the first casing 1 during the rotation. Furthermore, since the step is formed on the first base member 11, it is possible to prevent the first casing 1 from rotating in the direction indicated by a dotted line in FIG. 5(B): for example, it is possible to prevent a lead wire (not shown) passed through the rotator 14 forming the coupling unit 3 from entwining itself.

Published Application US 2004/0202316A1 at par.[0055]-[0056].

The device of claim 1 and the method of claim 22 are not anticipated or rendered obvious by any of the cited art, including the '009 patent. The '009 patent does not teach or suggest the first axis of claims 1 and 22 or their claimed depression/protrusion configuration in the closed state, as recited in claim 17. Indeed, with respect to the latter limitation, the Office Action generally points only to figures 1-3 and 5-7 of the '009 patent. None of those figures disclose the claimed combination. For those reasons, claims 1 and 22 are not anticipated or rendered obvious by the '009 patent. For those same reasons, any claim dependent on independent claims 1, 17 and 22 are allowable over the cited prior art. Accordingly, all pending claims are allowable.

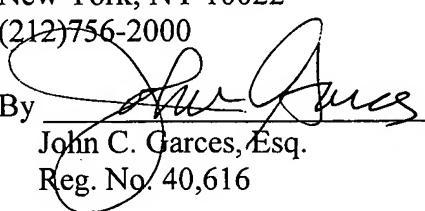
Claim 20 has been amended to address the indefiniteness rejection. Applicants submit that that rejection has now been overcome.

In the Office Action, claims 8-13 and 15 were objected to as dependent on rejected base claim 1. Applicant has rewritten dependent claim 8 as new independent claim 25 incorporating all the elements of original claim 1. Claims 9-13 and 15, which were previously dependent on claim 8, are now dependent on new claim 25. Accordingly, claim 25 and claims 9-13 and 15 are all allowable.

The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicants petition for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0074.

Respectfully submitted,

Schulte Roth & Zabel LLP  
Attorneys for Applicant  
919 Third Avenue  
New York, NY 10022  
(212) 756-2000

By   
John C. Garces, Esq.  
Reg. No. 40,616

Dated: December 26, 2007  
New York, New York